

**UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS**

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**DONALD BACHAND,**  
**Plaintiff**

**V.**

**SAM & BEN FISHERIES, INC.,**  
**Defendant**

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)  
)  
)  
) **Civil Action**

)  
) **No. 04-12221-PBS**  
)  
)

**JOINT SCHEDULING STATEMENT**

Now comes the parties in the above captioned matter and respectfully submits this joint proposed scheduling statement.

1. Beginning of Unrestricted Discovery

Completion of automatic discovery by January 21, 2005.

Beginning of Unrestricted Discovery any time after December 20, 2004.

2. Designation of Plaintiff's Expert Testimony

Complete designation of expert testimony (including complete answers to expert interrogatories and/or completion of Rule 26 expert materials if required) on or before April 11, 2005.

3. Designation of Defendant's Expert Testimony

Complete designation of expert testimony (including complete answers to expert interrogatories and/or completion of Rule 26 expert materials if required) on or before May 11, 2005.

4. All Dispositive Motions

All dispositive motions to be filed on or before June 30, 2005.

5. Close of Discovery

All discovery to be concluded on or before June 30, 2005.

6. Final Pretrial Conference

Final pretrial conference to be held on some date on or after June 30, 2005.

7. Deposition Testimony to be Used in Lieu of Trial Testimony

The Parties reserve the right to take de bene esse depositions of witnesses who will be unavailable for trial, up until 21 days prior to trial, excluding "emergency" situations where a witness becomes unavailable after the deadline.

8. Ready for Trial

The parties will be prepared for trial in this matter on or after June 30, 2005.

Plaintiff and Defendant attorneys affirmatively state that they have discussed the probable budget for prosecuting and defending this action with their clients and the signature of the Plaintiff and Defendant will follow.

Respectfully submitted for  
the Plaintiff, DONALD BACHAND,  
by his attorney,

/s/ Carolyn M. Latti  
Carolyn M. Latti, BBO #567394  
Latti & Anderson LLP  
30-31 Union Wharf  
Boston, MA 02109  
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Respectfully submitted for the  
Defendant, SAM & BEN FISHERIES, INC.,  
by its attorneys,

/s/ Leonard W. Langer  
Leonard W. Langer  
Marshall Tinkle, BBO #565513  
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Dated: December 20, 2004